

REMARKS

This is a full and timely response to the Office Action mailed May 31, 2007.

Claim 1, 7, 8, 9, 10 and 12 have been amended to more particularly define the present invention. More specifically, (1) claim 1 has been amended to incorporate the limitations of claim 3, (2) claim 7 and 9 have been amended to be in independent form, (3) claim 8 has been amended to depend on claim 7, and (4) claims 10 and 12 have been amended to depend on claim 1. In view of the changes to the claims, claims 3 and 6 have been canceled without prejudice or disclaimer to their underlying subject matter. Support for the claim amendments can be found throughout the specification and the original claims. Thus, claims 1, 2, 4, 5 and 7-12 are pending in this application.

In view of this amendment, Applicants believe that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks are respectfully requested.

Rejection under 35 U.S.C. §112

Claims 3 and 9 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Applicant respectfully traverses this rejection. However, in order to expedite the allowance of the present application, Applicant has amended claims 3 and 9 to clarify the claimed invention and to address the Examiner's concerns.

Specifically, claim 1 has been amended to clarify that the "*corresponding massage parameter*" means the "*massage parameter of another massage stage corresponding to the massage parameter changed in the desired massage parameter*". As explained on page 10, line 6, to page 11, line 14 of the original specification, when the user changes, for example, the number of massage actions as the massage parameter in the massage stage No. 6 from 2 times to 3 times in the program table of FIG. 7A, the increase in the number of massage actions leads to an inconvenience of increasing the total time period needed to complete the massage program. To prevent such an inconvenience, for example, the number of massage actions in the massage stage No. 3 in the program table of FIG. 7A is decreased from 3 times to 2 times by the control unit, as shown in FIG. 8A. As a result, the total time period needed to complete the massage program can be maintained constant even in the case of changing the massage parameter. In short, the claimed method prevents

the inconvenience that the massage program in progress is stopped on the way as a result of a change in massage parameter before the completion of the final massage stage, so that a comfortable massage effect can not be sufficiently provide to the user due to the change.

With regard to claim 9, the Examiner indicates that it is not clear how “*an optimum block*” can be determined based on “*a predetermined correlation(?) between the range massage action and body-type information (?), and the body type information (?) of a user*”. The Examiner believe that it is unclear what kind of correlation and what is the body-type information.

To address the Examiner’s concerns with regard to claim 9, Applicant has amended claim 9 to clarify that the “*optimum block is determined from said blocks by comparing a previously prepared correlation between the range of massage action and body information including body weight and body height, with the body information of a user to be massaged*”. As disclosed on page 12, lines 1-13, of the original specification. The body-type information comprises body height and body weight. The predetermined correlation between the range of massage action and the body-type information is a statistical data previously collected from a statistically relevant number of test subjects having different body height and body weight. That is, a preferred range of the massage action is previously stored with respect to each of various combinations of body height and body weight. Therefore, according to the input of body height and body weight as the body information of a user to be massaged, optimum ranges of massage action in width and height directions can be determined from 18 blocks (B1 to B18) as shown in FIG. 9.

Applicant believes that the amendments to claims 3 and 9 clarify the terms noted by the Examiner and resolves the Examiner’s concerns. Thus, in view of the amendments to claims 3 and 9, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1 and 10 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Fumihiro et al. (JP 2001-190620). Applicant respectfully traverses this rejection. However, to expedite the prosecution of the present application, Applicant has amended claims 1 to incorporate the limitations of non-rejected claim 3 and amended claim 10 to depend on amended claim 1 thereby rendering moot this rejection. Thus, in view of the amendments to the claims, this rejection

can no longer be sustained and should be withdrawn.

Claims 1-3, 6, 7 and 10-12 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Cutler et al. (U.S. Patent No. 6,290,661). Applicant respectfully traverses this rejection.

To constitute anticipation of the claimed invention, the cited reference must disclose each and every limitation of the claims. Here, in this case, Cutler et al. fails to teach or suggest all of the claim limitations with particular emphasis on the limitation “*wherein when a change in total time required for said massage program occurs due to the change in massage parameter in the desired massage stage, the massage parameter of another massage stage corresponding to the massage parameter changed in the desired massage parameter is changed such that said massage program is completed within a predetermined time period*”.

The Examiner argues that Culter et al. discloses that the user can select a change of intensity massage parameter in the desired massage stage, a corresponding intensity in another massage stage other than the desired massage stage can also be changed such that said massage program is completed within a predetermined time period. However, Applicant disagrees with the Examiner’s interpretation in this regard.

Culter et al. discloses a remote control type massage chair having a plurality of motors 26 and heaters 27, which are disposed in seat and backrest portions of the massage chair, as shown in FIG. 1. In addition, the user can control several operation modes of the massage chair by use of a remote control unit, as described in the columns 4 and 5, and shown in FIG. 2. For example, when the user operates the Time key, the time interval can be changed between 15 and 30 minutes. In addition, when the user operates the Program A (or B) key, massage parameters such as massage intensity and massage zone can be programmed. Moreover, when an S/E (Special Effects) key is pressed, the previous mode setting is retained in memory and it can be recalled by pressing the respective MODE key.

However, Applicant submits that Culter et al. fail to teach or suggest the feature of amended claim 1 that when a change in total time required for a massage program occurs due to a change in massage parameter in a desired massage stage, a corresponding massage parameter in

another massage stage other than the desired massage stage is changed such that the massage program is completed within a predetermined time period. In others words, a change in the massage parameters such as massage intensity and massage zone in Culter et al. does not result in any change in the **corresponding** massage parameter of another massage stage to ensure that the massage program is completed within a predetermined time period.

With regard to claim 7, Applicant notes that the massage parameter is defined in the claim as comprising a combination of range of massage action and at least one of the kind of massage action, the number of massage actions, massage strength and massage speed. In comparing the subject matter of claim 7 with that which is taught in Cutler et al., it is clear that Cutler et al. fail to teach or suggest that when a change in massage parameter performed in one of the massage stages having the same range of massage action is stored in the memory, the massage stages having the same range of massage action are modified in one lump according to the change in massage parameter stored in said memory at the next execution of said massage program. As a result, it is not needed in the present invention for the user to change the massage parameter upon every execution of the massage stage having the same or similar massage parameter. Therefore, there is an advantage that the user can receive the massage program under a more relaxed condition.

Thus, for these reasons, withdrawal of these rejections is respectfully requested.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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Respectfully submitted,

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